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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HSU, RYAN

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,210

Applicant(s)

CLIFF ET AL.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 32 is objected to because of the following informalities: the current set of claims contains multiple claims labeled as "claim 32". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10, 13, 15-20, 24, 29, 31-36, 40-42, 45, and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelly et al. (US 6,015,344).

Regarding claim 1, Kelly et al. disclose a gaming system comprising: a game server, a gaming platform usable by a player to play a game associated with a game server (*see Fig. 4 and the related description thereof*), a communication network for providing communication between the gaming platform and the game server and a prize supplier database for storing data (*see Fig. 4 and the related description thereof*), including location data, about prize suppliers (*see prize supplier [499] of Fig. 15 and the related description thereof*).

Regarding claim 18, Kelly et al. disclose an apparatus comprising: a game server for communicating, via a communication network, with at least one gaming platform on which a player can play a game associated with the game server and a prize supplier database for storing data, including location data, about prize suppliers (*see Fig. 9a and the related description*

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thereof). Additionally, Kelly disclose the game server to comprise of a prize signal generator for generating a prize signal upon a predetermined game occurrence resulting from playing the game on the gaming platform, and a control arrangement for responding to the generation of the prize signal by communicating location information about an appropriate prize supplier for receipt by the player (*see Fig. 9a and the related description thereof*). Furthermore, Kelly's system disclose a control arrangement being arranged to select an appropriate prize supplier from the prize supplier database on the basis of at least one selection parameter (*see Fig. 6b and the related description thereof*).

Regarding claim 33, Kelly et al. disclose a game-prize information method comprising: (a) communicating game data via a communication network between a game server and a gaming platform on which a player can play a game associated with the game server (*see game [10(a-d)] and server [104] of Fig. 4 and the related description thereof*); (b) on a prize signal being generated from playing a game on a gaming platform, selecting on the basis of at least one selection parameter, an appropriate prize supplier from a prize supplier database (*see Ticket Exchange Center of Fig. 6b and the related description thereof*) and (c) communicating location information about the selected prize supplier for receipt by the player (*see game [10(a-d)] and server [104] of Fig. 4 and the related description thereof and Fig. 6b and the related description thereof*).

Regarding claims 2, 19, and 35, Kelly disclose a gaming system in which at least one selection parameter comprises a location associated with the player (*see Fig. 6b and the related description thereof*).

Regarding claims 3, 20, and 36, Kelly disclose a gaming system in which the at least one selection parameter further comprises at least one of a prize type indicated by the player and the prize availability at the prize suppliers (*see Fig. 6b and the related description thereof*).

Regarding claims 8-9, 24-25, and 40-41, Kelly disclose a gaming system in which the location associated with the player is a specific location input by the player, the system further comprises means for accepting user input of a specific location (*see Fig. 6b and the related description thereof*). Additionally, Kelly discloses in which the control arrangement of the game server is arranged to select the appropriate prize supplier as the prize supplier that is closest to the specific location (*see Fig. 6b and the related description thereof*).

Regarding claims 10, 26, and 42, Kelly disclose a gaming system wherein the location information comprises at least one of: a location of the selected prize supplier, the position of the selected prize supplier relative to the specific location and a route guide to the selected prize supplier from the specific location (*see Fig. 6b and the related description thereof*).

Regarding claims 13, 29, and 45, Kelly disclose a gaming system in which the location information comprises a route guide to the selected prize supplier from a location associated with the player (*ie: network topology information being sent from server to game apparatus*)(*see Fig. 4 and the related description thereof*).

Regarding claims 15-17, 31-32, and 47-49, Kelly disclose a control arrangement that is arranged to communicate the location information to the gaming platform so that the system may transmit a prize code signal for a player and a means for transmitting a prize entitlement signal to the selected prize supplier (*see Fig. 3-4 and 9a and the respective related descriptions thereof*).

Regarding claim 34, Kelly disclose a method that comprises generating the prize signal upon a predetermined game occurrence (*see Fig. 12 and the related description thereof*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7, 11-12, 14, 21-23, 25-28, 30, 37-39, 43-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. as applied to claims above, and further in view of Sharma (US 6,287,200).

Regarding claims 4, 12, 14, 21, 28, 30, 37, and 44, Kelly teaches a gaming system a gaming system that incorporates comprises of a game server, a gaming platform, a communication network and a prize supplier (*see Fig. 6b and the related description thereof*). Additionally, Kelly's system comprises of a game server that uses a prize generator for generating a prize signal upon a predetermined game occurrence resulting from playing of the game using the gaming platform (*see Fig. 4 and the related description thereof*). Furthermore, Kelly's system can be incorporated using a mobile gaming platform and relay information throughout all the different gaming client devices but is silent with respect to detailing out a location determining apparatus for determining the location of the gaming platform. Although one of ordinary skill in the art would recognize that a network server/client system inherently

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incorporates a determining apparatus to determine each client device that is connected to the network.

In a related gaming patent, Sharma teaches the implantation of locating and identifying different apparatus devices in a mobile network. Sharma teaches that using a WAP protocol one can find the relative location of all the different gaming platforms (*see abstract, Figs. 1-2 and the related description thereof*). One would be motivated to incorporate such a teaching into a cellular network in order to allow for the ability to identify other devices that are located in a network. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sharma with that of Kelly to allow for a gaming system to identify the location of the devices located in the network.

Regarding claims 5, Kelly teaches a gaming system in which the communication network is a cellular network and the location determining apparatus comprises part of the communication network to locate the gaming platform to a given cell of the cellular communication network (*see col. 18: ln 40-col. 19: ln 26*).

Regarding claims 6, 22, 25, 38, Kelly teaches a gaming system wherein the control arrangement of the game server is arranged to select the appropriate prize supplier as the prize supplier that is closest to the current location of the gaming platform.

Regarding claims 7, 23, 26, 39 and 46, Kelly teaches a gaming system wherein the location information comprises at least one of: a location of the selected prize supplier, the position of the selected prize supplier relative to the specific location and a route guide to the selected prize supplier from the specific location (*see Fig. 6b and the related description thereof*).

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Regarding claim 11, 27, 43, Kelly teaches a gaming platform that is a mobile gaming platform (*see col. 18: ln 40-col. 19: ln 25*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaDue (US 5,999,808) – Wireless Gaming Method.

Angwin et al. (US 6,246,688 B1) – Method and System for Using a Cellular Phone as a Network Gateway in an Automotive Network.

Rautila (US 6,524,189 B1) – Multi-player Game System Using Mobile Telephone and Game Unit.

Sinclair et al. (US 6,527,641 B1) – System for Profiling Mobile Station Activity in a Predictive Command Wireless Game System.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished


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applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

June 9, 2007



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER